United Nations S/PV.6067

Security Council

Sixty-fourth year

Provisional

6067th meeting

Thursday, 15 January 2009, 10 a.m.
New York

President:	Mr. Ripert	(France)
Members:	Austria	Mr. Mayr-Harting
	Burkina Faso	Mr. Kafando
	China	Mr. Liu Zhenmin
	Costa Rica	Mr. Urbina
	Croatia	Mr. Vilović
	Japan	Mr. Okuda
	Libyan Arab Jamahiriya	Mr. Dabbashi
	Mexico	Mr. Heller
	Russian Federation	Mr. Shcherbak
	Turkey	Mr. İlkin
	Uganda	Mr. Butagira
	United Kingdom of Great Britain and Northern Ireland	Sir John Sawers
	United States of America	Ms. DiCarlo
	Viet Nam	Mr. Hoang Chi Trung

Agenda

The situation in the Great Lakes region

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09-20963 (E)

The meeting was called to order at 10.20 a.m.

Adoption of the agenda

The agenda was adopted.

The situation in the Great Lakes region

The President (*spoke in French*): I propose, with the consent of the Council, to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Olusegun Obasanjo, Special Envoy of the Secretary-General on the Great Lakes region.

It is so decided.

I invite Mr. Obasanjo to take a seat at the Council table.

The Security Council will now begin its consideration of the item on its agenda. The Security Council is meeting in accordance with the understanding reached in its prior consultations.

At this meeting, the Security Council will hear a briefing by Mr. Olusegun Obasanjo, Special Envoy of the Secretary-General on the Great Lakes region.

I now give the floor to Mr. Obasanjo.

Mr. Obasanjo: I thank you, Mr. President, for your invitation to address the Council. I do so on behalf of my brother and colleague, former President Mkapa, and on my own behalf.

On 7 November 2008, the African Union and the International Conference on the Great Lakes Region together held an extraordinary summit in Nairobi. This brought together regional heads of State, the Secretary-General of the United Nations and the Chairperson of the African Union Commission to try to identify a solution once and for all to the crisis in the eastern Democratic Republic of the Congo.

The summit endorsed my appointment as the Special Envoy of the Secretary-General on the Great Lakes Region. Along with that responsibility, it proposed that I should also represent the African Union and the Great Lakes region as a facilitator and that I should be joined in these tasks by President Mkapa, a choice that the Secretary-General endorsed.

The Nairobi summit displayed a real sense of urgency. In the last two months of 2008, President Mkapa and I met with Presidents Kabila, Kagame, Dos Santos, Kibaki, Kikwete, Museveni and Sassou Nguesso. All called for a comprehensive solution to the crisis, based on dialogue. We have also met on four separate occasions with the leader of the Congrès national pour la défense du peuple (CNDP), Laurent Nkunda.

Following these meetings, a dialogue between the Government of the Democratic Republic of the Congo and the CNDP opened on 8 December in Nairobi. That dialogue is ongoing. Much remains to be done, but as compared to where the eastern Democratic Republic of the Congo and the region found themselves on 7 November 2008, I am happy to report some progress.

First, in November, relations between Kinshasa and Kigali had sharply deteriorated. I am happy to tell the Council that Presidents Kabila and Kagame both now talk of considerable warming in the relationship and enhanced cooperation.

Secondly, in November, the Kinshasa Government was ill-disposed towards direct talks with the CNDP. Now, those talks are well under way.

Thirdly, in November, the CNDP threatened Goma. While Goma is still under pressure, particularly in terms of the dire humanitarian situation, the prospect of a military takeover of the town has considerably receded.

Concerning the dialogue, progress has remained slower than desirable. For the first month, it remained narrowly focused on procedural matters. Moreover, in the run-up to the end of the year, the CNDP was unwilling to sign a formal recommitment to its existing unilateral cessation of hostilities. It accused the Government of incursions into areas that it had called on the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) to occupy after it had vacated them.

During the holiday period, I remained in touch with Presidents Kagame and Kabila and with Laurent Nkunda. At first, Nkunda appeared reluctant for his delegation to return to Nairobi. Additionally, as the dialogue resumed on 6 January, the CNDP's military Chief of Staff, Bosco Ntaganda, announced his takeover of the movement. As of the present moment, the internal dynamics within the CNDP remain unclear.

On 8 January, I travelled to Kinshasa, Kigali and Jumbo, North Kivu Province, to consult with Presidents Kabala and Kalama and to meet with Nunda. All of these parties strongly reaffirmed their

commitment to the Nairobi dialogue. I was heartened to hear from Presidents Kabala and Kalama that their interaction and the relationship between their two countries had significantly improved as a result of frequent direct contact and ministerial-level meetings. Both presidents expressed satisfaction with the progress made in finding common ground to deal with issues of joint concern, in particular the issue of the Forces démocratiques de libération du Rwanda (FDLR). In line with the Nairobi communiqué of 2007, the Democratic Republic of the Congo and Rwanda have agreed on a military plan to put pressure on the FDLR. Both countries seem encouraged by the political message their enhanced cooperation is sending.

In Jomba, I met with CNDP leader Laurent Nkunda and a group of his political cadres. Again, he insisted that Government troops should withdraw from Kibati, near Goma, as a precondition for signing a joint cessation of hostilities declaration. But he showed flexibility concerning the CNDP's previous demand that the Presidents of the National Assembly and the Senate participate in the Nairobi dialogue as facilitators. Both of those figures have given both President Kabila and me their assurances that any outcomes of the dialogue which might demand action by the Congolese legislature would be examined sympathetically. Accordingly, I was able to reassure Nkunda.

Following these discussions, and with President Mkapa's able work with the parties in Nairobi, the dialogue, which resumed in Nairobi on 6 January, has begun to move a little more positively. In particular, the atmosphere between the two delegations has eased, with confidence beginning to be built and the parties increasingly working directly together.

On 12 January, the parties agreed the last of three documents that together lay the ground rules for the substantive discussions to follow. This last document, the terms of reference, is important also because it reflects a common understanding on the desired outcome of the Nairobi dialogue

> "to conclude a comprehensive agreement incorporating the *Actes d'engagement* signed in Goma and their modalities of implementation through a framework to be agreed by the parties".

This is critical, as it reaffirms the parties' commitment to the principles of the Goma process but calls for new implementation mechanisms, as well as for a comprehensive agreement on addressing the root causes of the conflict.

Just as important, the parties have now re-engaged in discussions towards a joint cessation of hostilities declaration. I must let the Council know, however, that in the past 48 hours, there have been reports and rumours in the subregion of a web of plans and counter-plans and of deals within deals. This has once more slowed down the momentum of the dialogue. Both sides have once again become intransigent, the Government side in particular. As we have done in the past when we observed such intransigency developing, we have today called for a brief recess in the dialogue. We will resume towards the end of next week.

If, on resuming, the parties can arrive at a joint cessation of hostilities declaration, this would be an important step forward. It would need to be undergirded by an effective and trusted independent monitoring mechanism. I trust that, when the time comes, I can count on the support of Council members to help establish, as soon as possible, such a mechanism, which would report directly to the mediation. Special Representative of the Secretary-General Doss and MONUC Force Commander Gaye, with whom I have been maintaining close and concerted contact since the beginning of this initiative, have indicated their willingness in principle for MONUC to lend its logistical support to such a mechanism.

Until such a time as agreement can be reached and an independent mechanism established, I have pleaded with both parties — and in particular the CNDP, which remains suspicious of MONUC — that they accept that MONUC monitor and verify the effective cessation of hostilities declarations currently in place. Looking ahead, dialogue must then proceed with critical discussions on humanitarian and security issues, to be followed by negotiations on political and economic matters. In my view, it is critical that we start with the humanitarian and security issues in order to allow for the safe and secure return of internally displaced persons to their homes and the establishment of security corridors and/or buffer zones, as well for disarmament, demobilization and reintegration and modalities for the integration of former combatants into the Armed Forces of the Democratic Republic of the Congo. The long-suffering populations of the Kivus

must be able to return safely to their homes before the planting season in September.

We are still at a very early stage in the process. The Democratic Republic of the Congo, the region, President Mkapa and I will need the Council's continued political and material support, as well as that of its Governments, in bringing about durable peace.

Significant challenges remain. The first, as I have said, is that, while it is slowly picking up, the pace of the dialogue remains slow. I would appeal to the Council to use whatever leverage it may have on the parties to improve matters. If there continues to be obstruction, the Secretary-General may call upon the Security Council to consider what other measures may help encourage progress.

The second is that, at the CNDP's insistence, the dialogue remains a bilateral one, exclusively between it and the Government. But more than 20 armed groups signed the Goma Acts of Engagement in January 2008, along with many representatives of the different communities of North and South Kivu. Their interests must not and will not be left out of any comprehensive solution. We must together find the most effective way to link their interests and their commitments made under the Goma Agreement to the final outcome of the present dialogue.

Thirdly, the long-term presence on Congolese soil of foreign armed groups — the FDLR, the Lord's Resistance Army and others — remains a major factor. We will seek the right combination of measures to resolve that issue but, again, we will need the Council's help in finding it and in making it stick.

Finally, too often previous agreements have faltered because of the lack of political will, and because implementation and follow-through were neglected. I can assure the Council that I will leave no stone unturned to help the concerned parties arrive at a comprehensive, realistic and implementable agreement. All the agreements and accords in the world will help the people of the eastern Democratic Republic of the Congo not one bit if they are not faithfully implemented. The engagement of the region and of the continent as a whole will be crucial.

Much has been accomplished, but much more remains to be done. The momentum for peace generated so far cannot, must not and will not be allowed to die. The people of the eastern Democratic Republic of the Congo, who have suffered so much and for so long, warrant better than that. They deserve, and indeed demand, full and lasting peace. Africa and the world must help make that peace a reality in the Democratic Republic of the Congo and the whole of the Great Lakes region.

I thank you, Mr. President, for giving me the opportunity to report to the Council.

The President (*spoke in French*): I thank President Obasanjo for his briefing.

As agreed in the course of the Council's prior consultations, I now invite the members of the Council to continue their consideration of this issue in informal consultations.

The meeting rose at 10.45 a.m.

United Nations S/PV.6068

Security Council

Sixty-fourth year

Provisional

6068th meeting

Friday, 16 January 2009, 10 a.m.
New York

President:	Mr. Ripert	(France)
Members:	Austria	Mr. Mayr-Harting
	Burkina Faso	Mr. Tiendrébéogo
	China	Mr. Liu Zhenmin
	Costa Rica	Mr. Weisleder
	Croatia	Mr. Vilović
	Japan	Mr. Takasu
	Libyan Arab Jamahiriya	Mr. Dabbashi
	Mexico	Mr. Heller
	Russian Federation	Mr. Churkin
	Turkey	Mr. Çorman
	Uganda	Mr. Butagira
	United Kingdom of Great Britain and Northern Ireland	Ms. Pierce
	United States of America	Mr. Khalilzad
	Viet Nam	Mr. Bui The Giang

Agenda

The situation in Somalia

Letter dated 19 December 2008 from the Secretary-General addressed to the President of the Security Council (S/2008/804)

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09-21124 (E)

The meeting was called to order at 10.20 a.m.

Expression of farewell to Mr. Zalmay Khalilzad, Permanent Representative of the United States of America to the United Nations

The President (*spoke in French*): As I am aware that this is the last meeting of the Security Council in which our colleague Ambassador Zalmay Khalilzad, Permanent Representative of the United States of America, will participate, I should like, on behalf of the Security Council, to say how much we regret to see his departure as a colleague, but above all as a friend. Zalmay Khalilzad is a man of conviction, and of commitment, and, above all a man of talent. I think that none of us will forget the warmth of his personality, and I am sure that we will long remember his resounding laughter echoing in and around the corridors of the Security Council. I know that we will miss it.

The role of Permanent Representative of the United States to the United Nations is not an easy one. He has the privileges of status and power, but the reality is that he also often has the privilege of solitude. In this role, Zalmay Khalilzad has always acted with great dignity and grace, as a great diplomat and a tough negotiator. He always applied the old saying: always dialogue; always negotiate; never turn away.

We all know his curriculum vitae, which clearly embodies the American miracle of integration and personal success. But also in a way, it powerfully embodies the United Nations and the cultural diversity of the world: Afghanistan, where he came from; Lebanon, where he grew up; and then the United States, which both gave him opportunities and benefited by his talent.

I would like to stress, in particular, after a difficult period, how Zalmay Khalilzad has brought the United States of America closer to the United Nations. We all know how our common Organization needs the support and active commitment of all of its Members, and in particular of the United States.

So, my dear Zal, we all wish you every success in your journey through life. And in order to help you improve your French, I will tell you we are not saying *adieu*, but *au revoir*.

Adoption of the agenda

The agenda was adopted.

The situation in Somalia

Letter dated 19 December 2008 from the Secretary-General addressed to the President of the Security Council (S/2008/804)

The President (*spoke in French*): I propose, with the consent of the Council, to invite the representatives of Burundi, Italy and Somalia to participate in the consideration of the item of the agenda, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Duale (Somalia) took a seat at the Council table; the representatives of the other aforementioned countries took the seats reserved for them at the side of the Council Chamber.

The President (*spoke in French*): The Council will now begin its consideration of the item on its agenda. The Security Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them document S/2009/37, which contains the text of a draft resolution submitted by Burkina Faso, Burundi, Italy, Libyan Arab Jamahiriya, Turkey, Uganda and the United States of America.

Members of the Council also have before them the report of the Secretary-General on the situation in Somalia contained in document S/2008/709. I should also like to draw the attention of the members of the Council to documents S/2008/804 and S/2008/846, containing letters dated 19 December 2008 and 31 December 2008 from the Secretary-General respectively.

It is my understanding that the Council is ready to proceed to the vote on the draft resolution before it. Unless I hear any objection, I shall put the draft resolution to the vote now.

There being no objection, it is so decided.

A vote was taken by show of hands.

In favour:

Austria, Burkina Faso, China, Costa Rica, Croatia, France, Japan, Libyan Arab Jamahiriya, Mexico, Russian Federation, Turkey, Uganda, United Kingdom of Great Britain and Northern Ireland, United States of America, Viet Nam

The President (*spoke in French*): There were 15 votes in favour. The draft resolution has been adopted unanimously as resolution 1863 (2009).

I shall now give the floor to members of the Council who wish to make statements after the voting.

Mr. Khalilzad (United States of America): First, *merci beaucoup* for the very nice, warm and kind statement that you made about me, Mr. President. It has been a great honour for me to represent the United States in the United Nations and in the Council. I thank you all, fellow members, for the work that we have done together, and I thank you also for the friendship, for the spirit and for the relationship that we have developed and through which we have worked in dealing with the many challenges that we have faced in the course of my service here. I shall miss you all, and I wish you all the best as the Council continues to deal with many challenges that affect the future of the world. I shall remember fondly my service here. I believe that the United States needs the United Nations and the United Nations needs an active participant in the United States. So, thank you again, Sir, for your kind remarks and your personal leadership, as well as for the work that you and I have done together.

I would like also to thank my colleagues for unanimously supporting our resolution on Somalia today. I take pride in the role that the United States has played in helping move the issue of Somalia to the forefront of the Council's attention.

Somalia is one of the most complex challenges faced by the international community. One of the symptoms of its instability — the scourge of piracy — was debated earlier this week in this building as 24 countries met to agree on a mechanism to coordinate international efforts to address this problem. We cannot afford, however, to address Somalia only through the lens of piracy. We need a comprehensive approach that addresses the root causes of instability in Somalia, which include political, economic, humanitarian and security issues.

The resolution adopted today attempts to address those root causes by making a clear commitment that the Security Council will assume its responsibilities with regard to Somalia. The resolution also provides for the United Nations to back up this commitment with concrete logistical support for the forces of the African Union. We intend this support for the African Union Mission in Somalia to allow it to continue to provide security for key humanitarian infrastructure in Mogadishu until 1 June, by which date the Council will make a decision on movement towards a United Nations peacekeeping force.

As we shoulder our responsibility, this resolution makes clear that the ultimate responsibility for national reconciliation and stabilization lies with the Somalis themselves. The United States strongly supports the political process, led by Mr. Ahmedou Ould-Abdallah, Special Representative of the Secretary-General, and calls on all Somali stakeholders to renounce violence and engage constructively in the formation of a unity government in the interest of establishing lasting peace, stability and effective governance in Somalia. We also attach great importance to the establishment, under the terms of the Djibouti peace agreement, of joint Somali security forces, who ultimately will take responsibility for ensuring security in the country.

Finally, I thank you once again, Mr. President, for your courtesy and for all the work that you have done and we that we have all done together. I wish you all the best. *Au revoir.*

Ms. Pierce (United Kingdom): I should like to speak in explanation of vote. Before doing so, however, I should like to join other delegations in paying tribute to Ambassador Khalilzad.

The question of the situation in Somalia has been a genuinely difficult one for the Security Council to address. Many factors — related to the political, security and development areas — have needed to be weighed in making a decision, along with the imperative of building a peace to keep. I should like to express the thanks of my Government and our Foreign Secretary to the United States and Secretary Rice for all the hard work that has gone into this resolution, in particular their efforts to take into account the concerns of others, including those of the United Kingdom. I would also like to thank the Secretary-General for the advice that he and his staff have provided to the

Council on this issue in helping us to reach a balanced conclusion.

We believe that the current resolution offers a good way forward that takes account of the key relevant factors. Crucially, the resolution provides for enhanced support for the African Union Mission in Somalia (AMISOM). AMISOM troops are doing a difficult job in difficult circumstances, and we salute them for their work. This resolution authorizes a United Nations logistics mission, including equipment and services that will support the African Union (AU) peacekeeping operation in Somalia, and it requests the Secretary-General to establish a trust fund to ensure the continuity of funding for AMISOM. As regards the assessed contribution element, we believe that the funding arrangement provided for in the resolution is workable, but we will need to monitor it closely and must not, of course, cut across General Assembly prerogatives.

Secondly, the resolution provides for a second decision on whether or not to mandate a United Nations peacekeeping operation. That is an important point for my Government, based on Brahimi best practices and a comprehensive and realistic way forward. When the time comes for the Council to take that decision, my Government will look to weigh the following factors: the situation on the ground, particularly the political and security situation; the question of whether there is a sustainable peace that Blue Helmet troops can realistically keep; and what is in the best interests of United Nations peacekeeping overall. We will be looking to the Secretary-General's report to address those issues in full so that the Council can take an informed decision at the right time.

Finally, the resolution provides for renewed impetus for the implementation of the Djibouti agreement, and the Secretary-General is asked to make recommendations, including on the option of an international conference to that end. To make sure that there is absolutely no doubt, I wish to stress that the intention of such implementation and such renewed impetus is not to replace Djibouti, but to reinforce it. For that, renewed efforts by the parties will also be necessary.

Mr. Takasu (Japan): Before speaking in explanation of vote, I would like to join others in paying a warm tribute to our departing friend, Ambassador Khalilzad, an extremely capable representative of the United States. We are very pleased and fortunate to have worked with him, albeit briefly. I wish him every success in his future endeavours.

Japan shares the serious concern over the situation in Somalia: first, over the lack of political stability and security; and secondly, over the continuing piracy and armed robbery off its coast. Concerted and intensified efforts by the international community are essential to address those concerns.

With regard to bringing about peace and stability in Somalia and the region, we appreciate the important role played by the African Union Mission in Somalia (AMISOM) and the States Members of the African Union, and recognize the need to strengthen the Mission.

Initially, in his latest relevant report (S/2008/709) and in various letters, the Secretary-General recommended that the establishment of a multinational force would be an appropriate option in view of the situation on the ground. Subsequently, in his most recent letter, dated 19 December 2008 (S/2008/804), the Secretary-General offered his assessment that supporting AMISOM operations would pave the way for the eventual deployment of a United Nations peacekeeping operation, subject to progress in the political process and an improvement in the security situation.

Japan supports a two-stage approach to bringing about peace and stability in Somalia. In the first stage, AMISOM would be strengthened and then, as the necessary conditions are developed, a United Nations peacekeeping operation would be established in the second. Therefore, we are pleased to join in the unanimous adoption of resolution 1863 (2009), and we appreciate the leadership role played by the United States in particular. The Council has confirmed its intention to establish a United Nations peacekeeping operation in Somalia as a follow-up force to AMISOM, subject to a further decision by 1 June, based on consideration of the report of the Secretary-General to be issued by 15 April.

On this occasion, I would like to emphasize two principles that are important for my delegation, concerning the establishment of a United Nations peacekeeping operation and extending United Nations support to an operation authorized but not necessarily established by the Security Council.

First, the United Nations has learned many important lessons over the years in various peacekeeping operations throughout the world. In Somalia itself, the United Nations has learned hard lessons from its previous engagement in authorizing a multinational force and from earlier peacekeeping missions. Among those many lessons, one is strikingly important and cannot be overemphasized. When the Council takes a decision to establish a new operation, it must be not only desirable, but also effectively possible to implement. It is the Council, not the Secretary-General or the Secretariat, that should take the primary responsibility for the consequences of the decision.

In resolution 1327 (2000), the Council confirmed its determination to give peacekeeping operations clear, credible and achievable mandates. The Council has also undertaken to ensure that the mandated tasks of peacekeeping operations are appropriate to the situation on the ground, including such factors as the prospects for success.

Japan will study most closely the assessment that the Secretary-General will submit in his April report, including with regard to developments in the political and security situations in Somalia. We will actively participate in the discussion in the Council aimed at deciding on the possible deployment of a United Nations peacekeeping operation in Somalia, fully taking into account all relevant considerations. As a responsible member of the Council, Japan believes that it is of the utmost importance that such a decision be made after careful consideration of the feasibility and effectiveness of the proposed deployment, so that the decision will be effectively implemented.

My second point concerns logistical support. I would like to stress the importance of respecting the established rules and mechanisms of the United Nations, as clearly provided for in the Charter, including in its Article 17. It is also important to respect the competence of the General Assembly on the financial and administrative aspects of United Nations peacekeeping operations and other activities, such as AMISOM, which are authorized by the United Nations but implemented by non-United Nations entities. Japan would have serious reservations about compromising the principle of financing only the expenses of United Nations activities through mandatory assessments, particularly if that is done by the Security Council.

In that regard, the resolution just adopted requests the Secretary-General to provide a logistical support package for AMISOM so that its forces can be incorporated into a United Nations peacekeeping operation. Japan considers it important that the package, requested by the Secretary-General, be carefully reviewed by the General Assembly in the light of previous resolutions. Furthermore, the proposed logistical support package should be implemented in a transparent and accountable manner, in accordance with the relevant United Nations rules and regulations.

Lastly, I would like to reaffirm the importance of promoting the political process, which is key to bringing about peace and security. Japan supports the Djibouti peace process, which should be given additional impetus and facilitated in a more secure environment. We hope that a strengthened AMISOM will contribute to this political process. We expect the United Nations to take a coherent approach, including through the role of the United Nations Political Office for Somalia.

It is also important to advance Somalian ownership of the process by building the capacities of the Transitional Federal Government at the federal and local levels. The joint transitional security forces and the police should be supported by the international community.

We have recently contributed to the improvement of the Somali security sector and the country's border control by providing $5 million through the International Organization for Migration and the United Nations Development Programme. With the concrete support of the international community, durable peace and stability should be promoted on the ground.

Mr. Churkin (Russian Federation) (*spoke in Russian*): At the outset, Mr. President, I should like to second the eloquent words you spoke to our American colleague, Ambassador Khalilzad. I fully agree with what you said and I would like to express gratitude to Ambassador Khalilzad for his contribution to the work of the Security Council and to the United Nations as a whole. We know that the geometry of working in the Security Council is such that sometimes we sit across from each other and sometimes we sit on the same side of the table, and it seems to me that the work of the Security Council has always won when we were on the

same side of the table. Every effort should be made to that effect and I know that that was how Ambassador Khalilzad acted. I wish him every success in all his future endeavours. Since the President's eloquent words of farewell were not spoken in English, I shall rely on the very good Russian analogue. We do not say "farewell" — we say "until we meet again".

Moving on to the item under discussion today — the resolution we just adopted — I would like to make the following remarks.

The Security Council has recently given focused attention to the situation in Somalia, adopting a whole set of resolutions and statements to support the political settlement in that country, to combat piracy, and to operationalize the mechanism of targeted sanctions. Today, we have adopted a new important resolution to strengthen the African Union Mission in Somalia (AMISOM).

Russia supports the activities of AMISOM. The purpose of the resolution is to promote the full deployment of the Mission and to prepare for its possible transformation into a United Nations peacekeeping operation. A future decision of the Security Council on the deployment in Somalia of a United Nations peacekeeping operation will depend, to a large extent, on the commitment to peace of the Somalis themselves, a significant improvement in the security situation in their country and the achievement of serious progress in the political settlement. In that respect, we believe that the established budgetary procedures for the transfer to AMISOM of United Nations assets will be fully respected through the division of the competencies of the Security Council and the General Assembly.

Moscow sincerely welcomed the signing of the Djibouti agreement. We call upon all parties to the Somali conflict to scrupulously abide by the agreements reached and to work together constructively to advance the process of consolidating their society, restoring statehood and restoring long-term peace in the country.

Without doubt the main responsibility for overcoming this protracted crisis lies primarily with the Somalis themselves. The Russian Federation supports the efforts of the Transitional Federal Government to restore law and order, achieve national reconciliation and provide for State sovereignty and the territorial integrity of the country.

The resolution we have just adopted provides for increased assistance in support of the Somali peace process. The achievement of progress in this area will help to resolve the entire set of problems, including the eradication of piracy off the coast of Somalia. Russia was a co-founder of the contact group on piracy around Somalia, the activities of which will take place in the general context of international efforts to stabilize the situation in that country.

We look forward to the full and effective implementation of this resolution with the constructive cooperation of all parties with the African Union and the United Nations.

Mr. Heller (Mexico) (*spoke in Spanish*): Mr. President, first of all, I would like to echo your words today regarding this being Ambassador Khalilzad's last meeting as the Permanent Representative of the United States to the United Nations. I would like to highlight his contributions to the work at the Organization and the humility and respect that he has always shown towards his counterparts from all States Members of the United Nations, regardless of whether they were in agreement or disagreement. I wish him every success in his future endeavours.

Mexico supports resolution 1863 (2009), aware of the urgent need for the Security Council to adopt measures to address the deteriorating situation in all areas on the ground and the challenges they represent, after so many years and frustrating attempts to achieve the stabilization of Somalia and its viability as an independent State.

We firmly believe that only through a comprehensive approach to the conflict will we be able to establish the conditions for peace in Somalia, end the widespread violence and return hundreds of thousands of internally displaced persons and refugees to their homes.

Mexico acknowledges the important contribution of the African Union Mission in Somalia (AMISOM) to peace and stability in the country and the commitment shown by the Governments of Uganda and Burundi.

The security situation of international personnel and the Organization in Somalia has worsened significantly. Mexico condemns the attacks against them, which unfortunately have led to many deaths.

Mexico expresses its deep concern over the deterioration of the humanitarian situation and over the very serious crimes that have been committed against civilians, and reaffirms the importance of the fight against impunity.

We urgently appeal to all the parties to respect international humanitarian law, human rights and the rights of refugees. We also urge the parties to contribute to strengthening the political process and to honour the commitments agreed upon in the Djibouti agreement, which forms the basis for a settlement of the conflict.

Today's resolution is an initial step towards the possible establishment of a peacekeeping operation to replace AMISOM. In that regard, we look forward to the report of the Secretary-General requested through the resolution on progress in the political situation and events on the ground as the minimal conditions necessary for the deployment of a peacekeeping operation. We will also be awaiting the information to be provided by the Department of Peacekeeping Operations and other relevant authorities to the Security Council on those aspects that are crucial to the implementation of the mandate of a future peacekeeping operation that might genuinely promote stability in Somalia.

Mexico highlights the importance for neighbouring countries and countries of the region, in coordination with the United Nations, to step up their efforts to fight the illicit trafficking of weapons and munitions to armed groups in Somalia. In this respect, I reiterate the commitment of my country to the peace process, which will certainly be reflected through Mexico's work as Chair of the Security Council Committee established pursuant to resolution 751 (1992) concerning Somalia, a fundamental element of the efforts of the Organization to achieve a climate of peace and lasting security.

Mr. Çorman (Turkey): Mr. President, before coming to Turkey's explanation of vote, I would like to join you and others in paying tribute to Ambassador Khalilzad. We knew him as the United States Ambassador to Baghdad. We worked closely with him to overcome some of the great challenges faced by Iraq at that time. We have had the honour to work with him here. We can only regret that it was a very short period of time that we could share membership in this Council with him. We will cherish him as a man who combines the wisdom of the East and the West.

Turkey attaches great importance to the comprehensive and lasting settlement of the situation in Somalia; hence our sponsorship of today's resolution. We welcome the Djibouti peace agreement. It presents the basis for the resolution of the conflict. Yet more needs to be done by the Somalis themselves.

We commend the contribution of the African Union Mission in Somalia (AMISOM) to lasting peace and stability in Somalia. We appreciate the commitments of the Governments of Uganda and Burundi. We are concerned about the worsening humanitarian situation in Somalia. It is crucial that AMISOM remain in Somalia, but for AMISOM to carry out its mandate in a more efficient manner, it has to be reinforced.

Today's resolution reflects the determination of the Council to establish a United Nations peacekeeping operation in Somalia as a follow-on force to AMISOM. Progress in the political process and security conditions on the ground will no doubt have an impact on the decision that the Security Council is expected to adopt by 1 June 2009. We welcome the call made in this resolution to the Secretary-General to establish a trust fund to provide financial support to AMISOM until a United Nations peacekeeping operation is deployed. Turkey will participate in the donor conference to be convened by the Secretary-General, and it will make an announcement on its financial contribution.

In line with the provisions of this resolution, the Turkish armed forces are prepared to give training to prospective peacekeepers within AMISOM in Turkey, as outlined in the letter of His Excellency Abdullah Gül, President of the Republic of Turkey, to His Excellency Ban Ki-moon, dated 29 December 2008.

By adopting today's resolution, the Council did what is necessary on its part. Now is the time for the parties to the Djibouti process to seize this opportunity to create conditions that will be conducive to the deployment of the United Nations peacekeeping operation as early as possible. In that regard, I would like to express our appreciation for the tireless efforts of the Special Representative of the Secretary-General to continue to make progress on the political process.

Mr. Butagira (Uganda): Allow me to also join those who have paid tribute to Ambassador Khalilzad. One may wonder if somebody who has just joined the Council has the qualifications to pay such tribute. But I can assure my colleagues that, although I am new to the Council, I have been around the United Nations for a while, and during my work I have come across the Ambassador. We have interacted insofar as some of the work of the Security Council touches on our interests. So when I pay tribute, I mean it. I know him. Lastly on this point, I would like to place on the record his active encouragement and support for our bid for Security Council membership. As he can see, it was successful, and I would like to thank him on that score.

On the resolution just adopted, Uganda welcomes its adoption and would like to thank the United States and all of those who have put in a lot of work to see to it that this resolution was before us today. For a while now, whenever the occasion arose for us to take part as outsiders in the open debates in this Council on matters concerning peacekeeping, Uganda and the African Union have almost invariably urged the United Nations to shoulder its responsibility and establish a United Nations peacekeeping force in Somalia. We are thus very happy that we have reached this stage. I would like therefore to thank the Council for this unanimous decision.

The resolution envisages two stages; one is support for the African Union Mission in Somalia (AMISOM). As Council members know, Uganda is playing a leading part in AMISOM, along with Burundi. Without shirking our responsibilities on the maintenance of international peace and security, we have stayed the course in Somalia despite the difficulties and the lack of reinforcement from other countries. We did so because we believe that the cause of Somali peace is just and very crucial. Therefore, we stayed in the hope that the international community would come in and reinforce us. That is why we welcome this resolution: it envisages not only strengthening AMISOM as it is, but also, at the appropriate stage, within six months, considering the establishment of a United Nations peacekeeping force in Somalia.

Since there are some misgivings about when that stage will arise, I would like to emphasize that the situation in Somalia is so unique and challenging that if we have to wait for a complete restoration of peace as the sine qua non for deployment of a United Nations peacekeeping force, we may never achieve that goal. What I am saying is that the United Nations and the Security Council should sometimes engage in peacemaking as well. The presence of United Nations peacekeepers can be a catalyst for peace. We should therefore not be timid and wait for when the situation is completely peaceful. In fact, when it is peaceful, why would the United Nations be required there? I would like therefore to flag that issue, so that when the time comes, we will also bear it in mind.

Lastly, Uganda welcomes the guiding principles agreed by the parties in the Djibouti peace agreement on 26 November 2008, in particular the importance of broad-based and representative institutions reached through a political process that is ultimately inclusive. The responsibility for peace in Somalia is ultimately that of the Somali people. Therefore this is a challenge to them. The Council has given encouragement and has spoken, but the challenge is for the Somali people to move fast and unify themselves, putting such institutions in place. Then the international community can come to their support.

Mr. Dabbashi (Libyan Arab Jamahiriya) (*spoke in Arabic*): Mr. President, you have expressed all of our feelings for Ambassador Zalmay Khalilzad with such eloquence, that I can only support what you said. I wish Ambassador Khalilzad every success in the future.

With regard to the adoption of resolution 1863 (2009), on Somalia, this is an important step forward for the restoration of peace and stability to this country which has suffered through more than two decades of war. We believe that the resolution we have just adopted provides a basis for practical efforts by the Council to restore real peace to Somalia.

For many months now, we have been calling for support for the African Union Mission in Somalia (AMISOM) and for the establishment of a United Nations peacekeeping operation to follow on from AMISOM in the future. We are delighted to see that the Council is now convinced of the validity of that proposal. The resolution we have just adopted is a practical step forward in that direction.

The present absence of stability in Somalia should not prevent certain members of the Council from supporting a resolution with regard, inter alia, to the deployment of a United Nations peacekeeping operation in Somalia. We need to remember that the

United Nations has deployed peacekeeping operations to other regions of the world that were not stable, and that those operations did a great job and made it possible to restore peace to those regions.

We believe that the Council should not stop at the adoption of resolution 1863 (2009). The implementation of the resolution has to be followed up in a timely manner. We need to move forward on that basis to advance the political process in Somalia through a comprehensive dialogue that includes Somali parties without exception with the aim of establishing a national unity Government and creating a unified national army. We must seize the opportunity we now have and begin without further ado to implement the resolution. We must also support Mr. Ould-Abdallah, the Special Representative of the Secretary-General, to ensure that the political process in Somalia continues to move forward on the basis of the Djibouti agreement.

Mr. Tiendrébéogo (Burkina Faso) (*spoke in French*): We should like to join you, Mr. President, in paying tribute to Ambassador Khalilzad and in expressing our good wishes for his future endeavours.

With respect to the resolution that we have just adopted, we would like to thank the delegation of the United States of America for its leadership in the preparation and negotiation of the draft. Burkina Faso would also like to thank the members of the Security Council, who agreed to adopt the resolution unanimously.

For some time now the Council has been facing a dilemma in Somalia: how to act effectively in a situation of chaos. At the same time, is it not precisely because there is chaos that our action is necessary? With the present resolution, the Council is laying an important milestone on the road to establishing a peacekeeping operation. Burkina Faso chose to support the resolution even though we had hoped it would express a firmer commitment on the part of the Council beyond the intention currently expressed in the text. We believe nonetheless that the resolution will make it possible to support more fully the dynamic of the political process under way, because it takes into account certain recommendations of the African Union, specifically those related to strengthening the African Union Mission to Somalia (AMISOM) and the deployment of a peacekeeping operation.

We look forward to studying the report of the Secretary-General and also hope that the Council can quickly come to a firm decision to establish an operation. For the time being, we invite donors to contribute to the special trust fund created to support the efforts of AMISOM.

We take this opportunity to reiterate our gratitude to the troops of Uganda and Burundi involved in AMISOM and our support for the mission of Mr. Ahmedou Ould-Abdallah, Special Representative of the Secretary-General for Somalia.

The President (*spoke in French*): I shall now make an explanation of vote in my capacity as the representative of France.

France fully supports resolution 1863 (2009) and welcomes its unanimous adoption by the Security Council. I should also like to thank Ambassador Khalilzad for the decisive role he played in the negotiation of the text.

Inaction is not an option given the tragedy facing the Somali people. We are thinking in particular of those millions of people who are currently dependent on international aid and of those waves of displaced persons fleeing the violence who find themselves in the most precarious of conditions on the Afgoye road.

On the other hand, to decide to establish a peacekeeping operation when the necessary political and security conditions are not in place would be to destine the Blue Helmets to failure and to give false hope to one of the most traumatized populations of Africa. It would also have been wrong for us to commit blindly to deploying a peacekeeping operation at an arbitrary date.

The approach spelled out in resolution 1863 (2009) allows us both to send a strong political signal and to begin to take concrete action in Somalia itself. The resolution sends the new and realistic political message that the Security Council is ready in principle to establish a peacekeeping operation once the necessary conditions have been met. The resolution is very clear on this point. It is also very clear in setting out that, once those conditions are met, a subsequent decision will need to be taken by the Council. Naturally, that decision will be taken in response to political and security developments in the situation. In that respect, we look forward to the Secretary-General's delivery in April of a detailed report that will

equip the Security Council to take a decision at that point.

Major events are taking place. The Ethiopian army has now withdrawn from Mogadishu. Following the resignation of President Yusuf on 29 December 2008, presidential elections are being planned for 26 January. The risks are great, but it is crucial that the Somali parties seize the political opportunities before them to implement fully the Djibouti agreement, make it completely inclusive, pursue political dialogue and start the work to improve security in certain areas.

Resolution 1863 (2009) enables the Security Council to act right now to support the African Union Mission to Somalia (AMISOM). We wish here to pay tribute in particular to Uganda and to Burundi for their efforts. It also makes it possible to support the joint security force created following the Djibouti agreement.

The resolution calls on the Secretary-General to establish a trust fund and to organize a donors conference to find additional resources, as well as to establish a logistics support package for AMISOM, as he proposed on 19 December. All of this can and should be done quickly, in a spirit of transparency and, of course, in full respect of the budgetary principles of the United Nations.

The Security Council has chosen to act in and off the coast of Somalia. On the sea, through resolutions 1846 (2008) and 1851 (2008), the fight against piracy is now actively under way, with the notable participation of members of the European Union and of many other nations. On land, resolution 1863 (2008) provides for a number of steps that have to be translated into reality. Whether we are talking about the financial measures that I have just mentioned or the assignment to Somalia of a special representative of the Secretary-General, these are all tools to help the Somalis to live up to the promise of the Djibouti agreement to restore peace finally to Somalia.

I now resume my functions as President of the Security Council.

I now give the floor to the representative of Somalia.

Mr. Duale (Somalia): Let me first and foremost congratulate you, Mr. President, on your assumption of the presidency and to congratulate you on resolution 1863 (2009), which has been adopted unanimously under your presidency. I also express our gratitude to all the members of the Security Council for having voted unanimously in favour of the resolution.

We believe that the resolution is a step in the right direction for the time being in trying to address the complex situation in Somalia, bearing in mind that that complex situation requires measures that are not only active but also urgent. A comprehensive holistic approach is required to address the root causes of the crisis in Somalia, which has been ongoing for almost 20 years and now includes acts of piracy off the Somali coast, on which the Security Council has already taken necessary action, again in unanimity.

I am also grateful for the very wise statements made by the members of the Council, starting with my colleague from the Untied States. I should like to congratulate him and to express my regret that he is leaving us.

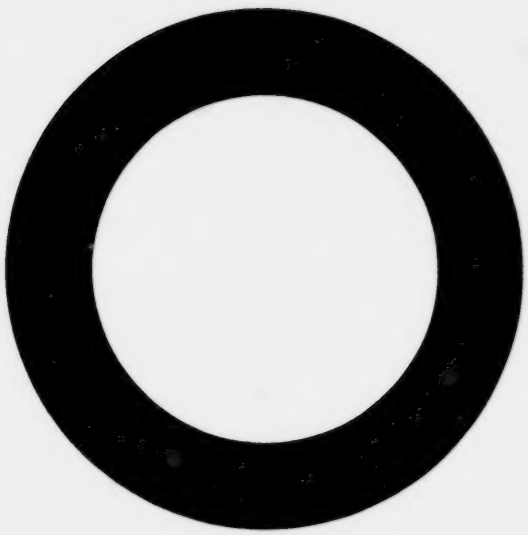
I should also like to thank all the others who have mentioned on a positive note that it is essential that a United Nations peacekeeping force deploy as soon as possible — time and other factors allowing. However, I think that, as my colleagues from Uganda and Turkey have mentioned, if we establish the sine qua non condition that there must be peace and stability before a United Nations operation can start, that may take more than another 10 years.

Somalis are trying to implement the Djibouti agreement. As usual, there are always problems when such a complex agreement has to be implemented. If we wait until everything is in place, I believe that we will miss the boat and Somalia will be forever absent from the international community.

I would very much like to thank the Council for this resolution, which we believe is a good one that gives us hope for the future.

The President (*spoke in French*): There are no further speakers inscribed on my list. The Security Council has thus concluded the present stage of its consideration of the item on its agenda. The Council will remain seized of the matter.

The meeting rose at 11.10 a.m.



United Nations S/PV.6069

Security Council

Sixty-fourth year

Provisional

6069th meeting

Friday, 16 January 2009, 11.15 a.m.

New York

President:	Mr. Ripert	(France)
Members:	Austria	Mr. Mayr-Harting
	Burkina Faso	Mr. Tiendrébéogo
	China	Mr. Liu Zhenmin
	Costa Rica	Mr. Weisleder
	Croatia	Mr. Skračić
	Japan	Mr. Takasu
	Libyan Arab Jamahiriya	Mr. Dabbashi
	Mexico	Mr. Heller
	Russian Federation	Ms. Eloeva
	Turkey	Mr. Çorman
	Uganda	Mr. Mugoya
	United Kingdom of Great Britain and Northern Ireland	Ms. Pierce
	United States of America	Ms. DiCarlo
	Viet Nam	Mr. Bui The Giang

Agenda

Letter dated 22 November 2006 from the Secretary-General addressed to the President of the Security Council (S/2006/920)

Report of the Secretary-General on the request of Nepal for United Nations assistance in support of its peace process (S/2009/1)

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A.

09-21130 (E)

The meeting was called to order at 11.15 a.m.

Adoption of the agenda

The agenda was adopted.

Letter dated 22 November 2006 from the Secretary-General addressed to the President of the Security Council (S/2006/920)

Report of the Secretary-General on the request of Nepal for United Nations assistance in support of its peace process (S/2009/1)

The President (*spoke in French*): I propose, with the consent of the Council, to invite the representative of Nepal to participate in the consideration of the item on the Council's agenda, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Acharya (Nepal) took a seat at the Council table.

The President (*spoke in French*): I propose, with the consent of the Council and in accordance with the provisions of article 39 of the Council's provisional rules of procedure, to extend an invitation to Mr. Ian Martin, Special Representative of the Secretary-General in Nepal and head of the United Nations Mission in Nepal.

It is so decided.

I invite Mr. Martin to take a seat at the Council table.

The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them the report of the Secretary-General on the request of Nepal for United Nations assistance in support of its peace process, document S/2009/1.

At this meeting, the Security Council will hear a briefing by Mr. Ian Martin, Special Representative of the Secretary-General in Nepal and head of the United Nations Mission in Nepal. This will be the last briefing that Mr. Martin will give to the Council in his capacity as Special Representative of the Secretary-General. On behalf of the members of the Council, I should therefore like to express our gratitude to him and tell him how much we have appreciated, year after year, the effectiveness of his efforts at the helm of the United Nations Mission in Nepal, his honest and direct interaction with the Council and the sincerity of his commitment to the peace process in Nepal. We shall remember him fondly and wish him every success in his future endeavours. I am sure the members of the Council associate themselves with those sentiments.

I now give the floor to the Special Representative.

Mr. Martin: Thank you for those kind words, Mr. President. This is indeed the tenth and last time that I shall brief the Council on the assistance of the United Nations in support of Nepal's peace process, and in particular the work of the United Nations Mission in Nepal (UNMIN). Although neither the peace process nor the Government's desire for the support of UNMIN has come to a conclusion, it is an appropriate moment not only to consider developments since the last briefing, in November, but also to reflect on the achievements and remaining challenges in sustaining peace in Nepal.

First, let me report on developments, positive and negative, since the report of the Secretary-General (S/2009/1) was written. Most important for the mandate of UNMIN, political agreement has finally been reached regarding the composition and terms of reference of the special committee to supervise, integrate and rehabilitate Maoist army personnel; its first meeting was held today in Kathmandu. Each of four major parties, including the Nepali Congress, which remains outside the Government coalition, has two representatives, and the Prime Minister is presiding personally. This will be especially welcome to the Council as the effective functioning of the special committee is of critical importance not only to the completion of UNMIN's mandate, but to the overall success of the peace process.

There has been progress too regarding the work of the Constituent Assembly and cooperation among the political parties towards the drafting of a new constitution. The chairpersons of the committees of the Assembly have been chosen on the basis of agreement among the larger political parties, although not to the satisfaction of all smaller parties. The former General Secretary of the Communist Party of Nepal (Unified

Marxist-Leninist) (UML), Mr. Madhav Kumar Nepal, agreed to the proposal of the Maoist leadership that he should accept nomination to the Assembly and chair its Constitutional Committee, which has a central responsibility for reaching agreement on the overall draft constitution and the challenge of enabling its completion by May 2010.

There have been discussions among the major parties, including between the Communist Party of Nepal (Maoist) — which has now been renamed the Unified Communist Party of Nepal (Maoist) following its merger with a smaller communist party, although I shall still refer to it as the CPN (M) — and the Nepali Congress about establishing a greater degree of cooperation in completing the peace process and drafting the constitution.

The Nepali Congress ended its boycott of the legislature-parliament after the Prime Minister reported to parliament that fresh instructions had been given to implement his undertakings in response to its demands, including the return of property and ending the paramilitary activities of the Young Communist League, which will be monitored by a parliamentary committee.

The Government's efforts through negotiations to bring an end to the violence by armed groups operating in the Tarai have now resulted in initial agreements setting forth conditions for talks being signed with four such groups, while other informal contacts have taken place and continue.

However, there have been clashes between the Maoist Young Communist League and the UML's Youth Force, in one case leading to the amputation of the leg of a Youth Force member. Maoist trade unionists have used violence or threats of violence against media critical of Maoist conduct. The horrific murder last Sunday of a woman journalist in the Tarai by a gang of perpetrators so far unidentified has further exemplified the weak rule of law and the threats faced by journalists, especially outside Kathmandu, from various sources.

Public discontent is mounting with the inability to maintain electricity supply — now reduced to eight hours a day for many consumers — although the major responsibility rests with previous Governments through decades of underinvestment and neglect. This power shortage is now combining with trade union action to seriously threaten the operation of factories and, thus, employment opportunities.

A recent controversy of particular concern to UNMIN and the peace process relates to recruitment by the Nepal Army and its recognition of the authority of the elected Government; this has a potential seriousness which I think requires me to explain its background. The code of conduct agreed at the outset of the ceasefire in 2006 committed both parties not to recruit new people. When the Agreement on Monitoring the Management of Arms and Armies was being negotiated in November 2006, with the United Nations acting as secretariat to the negotiation, the Nepal Army argued that it should nonetheless be permitted to continue to fill vacancies. This was initially supported by the Government side, but it was resisted by the Maoist side and was not agreed. The stipulation of the Agreement that recruiting additional armed forces is prohibited unless mutually agreed by the parties should thus be understood to apply to any recruitment, including the filling of vacancies. The Maoist army was the first to breach the Agreement by bringing thousands of new recruits, many of them minors, into their cantonments; they eventually either left the cantonments or were disqualified by UNMIN's verification, although as the report of the Secretary-General emphasizes yet again, the discharge of those disqualified who remain in the cantonments is long overdue.

Meanwhile, in mid-2007 the Maoist side complained to the Joint Monitoring Coordination Committee (JMCC) that the Nepal Army was undertaking recruitment. The Nepal Army then confirmed that they were recruiting to fill vacancies; regrettably, they had not informed the JMCC of this at the outset. The JMCC, which operates by consensus, could not resolve the issue and referred it to me. I wrote to the then Prime Minister, who was also Minister of Defence, setting out UNMIN's view that this recruitment was a breach of the Agreement, and met with the Chief of Army Staff to communicate this to him. Eventually the Secretary of Defence responded, maintaining that recruitment to fill vacancies, up to the standing strength of 95,700 when the Comprehensive Peace Agreement was signed, was not a breach of any agreement.

In November 2008 the Nepal Army again placed advertisements for further recruitment. The Army states that they had written to the Ministry of Defence

to notify that they intended to recruit to fill vacancies and went ahead after having received no reply. Again, UNMIN and the Maoist army were not informed, through the JMCC or otherwise. At a time when no progress was being made regarding the future of Maoist army personnel, this was the subject of strong exception within the cantonments. The Deputy Commander of the Maoist army stated publicly that the Maoist army would itself recruit to fill vacancies. I stated UNMIN's consistent position that any new recruitment by either army is a breach of the Agreement. Following a Cabinet discussion, the Ministry of Defence wrote to instruct the Nepal Army to suspend its recruitment; the Nepal Army is reported to have replied that the process was almost complete and suspension would be inappropriate. The Minister of Defence, one of the CPN (M) members of the Government, criticized a public statement by the Chief of Army Staff and threatened action against him. Other political actors publicly supported recruitment by the Nepal Army to fill vacancies. The Minister of Defence and the Chief of Army Staff have since met to discuss the issue, but it is not clear that it is resolved. I have expressed concern to the Chief of Army Staff that the Nepal Army has not acted in this matter with good faith towards the United Nations as the mandated monitor of the Agreement.

This controversy, at a time when what is needed is cooperation among the political actors and between the armies to resolve issues through the special committee, is symptomatic, and I fear may be indicative of difficulties ahead. Before I address further those difficulties, I want to reiterate recognition of the great achievements of Nepal's peace process, to which the Secretary-General and I have paid tribute on numerous occasions, as indeed has the Council. When I went to Nepal more than three and a half years ago, in May 2005, to open the office of the High Commissioner for Human Rights, the armed conflict was heading into its tenth year, with grave violations of international humanitarian law being committed by the Maoists and by the security forces, and the Government headed by the then king was curtailing democratic rights. It is the Nepalese political and civil society leaders who brought the armed conflict to an end, negotiated the holding of an election which has produced an inclusive Constituent Assembly, and peacefully introduced a republic.

Nepal's peace process was founded on mutual commitments by the Maoist and non-Maoist political parties, enshrined first in the 12-point understanding of November 2005 and eventually in the Comprehensive Peace Agreement of November 2006 and the interim constitution. The CPN (M) committed itself to democratic norms and values, including the competitive multiparty system of government, fundamental human rights, civil liberties, press freedom and rule of law. The parties elected to the 1999 parliament committed themselves to the election of a constituent assembly, the restructuring of the State and progressive socio-economic change.

Regarding the armies which had fought the 10-year armed conflict without either being defeated, Maoist combatants were to be "integrated and rehabilitated", while the Nepal Army was to be "democratized" through an action plan which would determine its appropriate size, develop its national and inclusive character and impart training in accordance with the norms and values of democracy and human rights. All parties agreed to act on the basis of political consensus until a new constitution had been framed by the Constituent Assembly.

For all the important achievements of the peace process, I fear that there is now a danger that these fundamentals are being challenged and eroded. Actions of Maoist cadres which involve violence or threats of violence and do not respect pluralism or the rule of law, the failure of the party leadership to take firm action against those who commit such acts, and internal ideological debates which do not convey a clear long-term adherence to multi-party democracy: all these lead some to question the sincerity of the strategic choice the CPN (M) committed itself to in the 12-point understanding or the ability of its leadership to ensure that the party as a whole respects it. It is crucial, now that the CPN (M) leads the Government, that it act consistently in a manner that allays these doubts. The party which leads the Government has a particular responsibility to strive for the political consensus required for completion of the peace process and the drafting of the new constitution.

But this responsibility rests, too, on other parties that fought the election on a promise of continuing cooperation in Government within the framework of an Interim Constitution which promised socio-economic change and inclusion. The distribution of votes in the Constituent Assembly election of approximately 30 per

cent to the CPN (M) and a little over 20 per cent each to the Nepali Congress and the UML can best be interpreted as a mandate for change, but with an expectation that the parties would cooperate as promised on the basis of their respective support. The emergence of Madhesi parties in the Tarai was a strong reminder that the commitment to inclusion of all groups in all aspects of the State must be carried out if continuing disaffection is not to lead to further violence and ethnic division — perhaps the greatest threat that could lie ahead for Nepal.

Most immediately, however, I believe that the spirit of the original agreements regarding the armies must also be maintained if a critical post-conflict challenge is to be successfully overcome and a stable peace is to be achieved and sustained. As the Secretary-General says in his report, the "Comprehensive Peace Agreement did not fully negotiate the future of the armies, but confined itself to defining processes" (*S/2009/1, para. 64*) with regard to the special committee to supervise, integrate and rehabilitate Maoist army personnel and the action plan for the democratization of the Nepal Army.

But there was an informal understanding among the negotiators that integration meant the incorporation of a significant number but by no means all of the Maoist combatants into the Nepal Army. The action plan for the democratization of the Nepal Army was a significant parallel aspect of the agreements, including a commitment to inclusion, the importance of which has been reinforced by later undertakings in agreements with Madhesi parties. Only if both armies are respected by negotiators on all sides and if both armies recognize their need for change and their subordination to democratic multiparty governance is the special committee likely to reach an outcome which will stabilize the peace.

One need for change to which no political party and neither army is yet truly committed is the need for an end to impunity. I say this with particular regret, as I went to Nepal as representative of the High Commissioner for Human Rights, yet in more than three and a half years since then not a single perpetrator of a major human rights violation, whether committed during the armed conflict or since its end, has been properly brought to justice.

In May 2006, I was responsible for the publication by the Office of the High Commissioner for Human Rights (OHCHR) in Nepal of a report of investigation into arbitrary detention, torture and disappearances at the Maharajganj barracks in Kathmandu of the then Royal Nepalese Army in 2003 and 2004. No action has resulted. Paragraph 39 of the Secretary-General's report refers to the recent release by OHCHR of its investigations into disappearances in Bardiya district from 2001 to 2003, citing 156 cases of disappearances linked to State authorities, mostly after detention by the then Royal Nepalese Army, and 14 similar cases attributed to the CPN (M). The report documents the systematic use of torture in the Royal Nepalese Army's Chisapani barracks, and I urge members of the Council to read its chilling details.

The promise to investigate disappearances was first made by the parties in May 2006. It has been reiterated time and time again in later agreements, but only now is legislation to establish a commission to investigate disappearances about to be considered by the Legislature-Parliament. It remains to be seen whether appointments made to this commission will indicate a serious intent to uncover the truth and bring those responsible to justice in the face of the denial and obstruction which have so far characterized the response of the Nepal Army, in particular. Efforts are being made to provide compensation to victims of the conflict, but victims who suffered at the hands of the Maoists, as well as victims of the security forces, are still in distress. The wounds of Nepal's conflict will not be healed by denial or by compensation alone and require the effective implementation of the promises made to pursue truth and justice.

While impunity continues to prevail for violations committed since the end of the conflict, the CPN (M) and other political parties are quick to protect their supporters from justice, rather than to support the impartial application of the rule of law. Even in cases where the perpetrators are known, such as the killings of members of the Young Communist League in Dang district two days before the Constituent Assembly election and the killing of a businessman in a Maoist cantonment site, highlighted in paragraph 44 of the report of the Secretary-General, they are not brought to justice.

The great strength of Nepal's peace process has been the capacity of the Nepalese actors to pursue dialogue to bridge their differences. Such dialogue brought about the 12-point understanding which led to the People's Movement and the end of the armed

conflict; it produced the peace agreements and the Interim Constitution, and paved the way for the Constituent Assembly election; it maintained the framework of the Seven-Party Alliance and eventually overcame substantial disagreements and delays.

Very recently, Prime Minister "Prachanda" has spoken publicly of the need for a new 12-point understanding. That is a matter for the political parties to consider, but in my own view there is indeed a need to re-establish the basis for cooperation among political parties, some of which have emerged since the original Seven-Party Alliance was formed, towards successful completion of the peace process and the drafting of the constitution. Competitive politics must not be allowed to derail these overriding national priorities.

The weakness of the peace process, however, has been the failure to implement commitments made. In my opinion, the need now is therefore not only for a renewed basis of understanding and cooperation, but also for a continuous mechanism for ensuring such implementation. Past agreements have provided for a high-level joint monitoring committee to monitor whether all understandings and agreements are being implemented, a high-level peace commission, and a high-level monitoring committee to monitor implementation of the agreement between the former Interim Government and the United Democratic Madhesi Front. None of these has ever been formed. The Joint Monitoring Coordinating Committee convened by UNMIN remains the only implementation mechanism which has met regularly to fulfil its limited mandate relating to the management of arms and armed personnel. My strong parting advice to the parties, whether they enter into a new understanding or recommit themselves to those they are already bound by, is that they now establish such a comprehensive implementation mechanism.

If I have one particular regret, it is that the parties did not take up our offer in late 2007 for the United Nations to assist by supporting the implementation of peace process commitments more generally than in the case of arms monitoring alone. It could, for example, have assisted the impartial monitoring and implementation of the return of property, which has been a constant impediment to political cooperation. This would in no way have detracted from the fact that the peace process has always been a Nepalese process or infringed upon national sovereignty. The parties have not made full use of what the United Nations has to offer, notwithstanding their recognition that UNMIN's presence has had a value well beyond its specific electoral and arms monitoring functions.

I shall leave Nepal with some anxieties, but few regrets. It has been a privilege to be responsible for the role of the United Nations in supporting two of the basic demands of the people of Nepal: respect for human rights and lasting peace. The two most remarkable moments have been those when the people of Nepal took their future in their own hands: in the 19 days of the People's Movement of April 2006 and in the Constituent Assembly election of April 2008. Their demand for peace, for change and for inclusion was and is unmistakable. I hope that their political leaders will not let them down. I hope, too, that the international community understands that long-term stability is far from having been achieved in Nepal and that, despite the many demands upon it, it will remain concerned for 27 million of the poorest people in Asia, who deserve a better future.

The President (*spoke in French*): I thank Mr. Martin for his briefing.

I now give the floor to the representative of Nepal.

Mr. Acharya (Nepal): First of all, I would like to congratulate you, Mr. President, on assuming the presidency of the Security Council. I would also thank you for allowing me yet another opportunity to appear in the Council during the discussion regarding our request for continuation of United Nations support for the peace process in Nepal.

I would like to thank Mr. Martin, Special Representative of the Secretary-General, for his comprehensive presentation on developments in the peace process in Nepal since the Council's last discussion on the subject.

On behalf of the Government of Nepal, I would like to thank the Secretary-General for his personal support for the peace process in Nepal and for his latest report to the Council (S/2009/1) recommending extension of the United Nations Mission in Nepal (UNMIN) by another six months, at our request.

As Mr. Martin has just explained in his brief, following the submission of the report, important political developments have taken place in Nepal that have far-reaching impact on the success of the peace

process. The Constituent Assembly has elected its various committees and the respective chairpersons entrusted to start the task of drafting a new constitution, mostly on the basis of consensus among major political parties. In a statement to the Constituent Assembly on 7 January, the Right Honourable Prime Minister Pushpa Kamal Dahal "Prachanda" made several important commitments to the implementation of the peace process, including on the issues regarding the return of property and the commitment to continuing the practice of taking all major decisions related to the peace process through consensus among the major political parties. The Government has also started to meaningfully engage some of the Tarai armed groups and has, in fact, already signed framework agreements for negotiations with a few of them.

We understand the concerns of the Secretary-General and of some members of the Council regarding the delay in progress in certain aspects of the peace process, especially on the issue of the integration and rehabilitation of Communist Party of Nepal (Maoist) (CPN (M)) armed personnel in the cantonments.

Though this process has taken some time, it is important to note that an agreement has been reached in the formation of the special committee to supervise, integrate and rehabilitate the Maoist army personnel in the cantonments through consensus and mutual accommodation among the parties represented in the coalition Government and outside. The special committee has now been constituted under the leadership of the Prime Minister and includes representation of all the major political parties. In its first meeting earlier today, the special committee amended the terms of reference and decided to prepare a work plan to complete the integration and rehabilitation process within the next six months.

In view of the remaining tasks in the integration and rehabilitation of the CPN (M) army personnel remaining in the cantonments, we have requested an extension of the mandate of the United Nations Mission in Nepal for another six months. We highly appreciate the Council's support for the extension of the mandate of UNMIN until 23 July 2009.

It is our intention to terminate the United Nations monitoring requirements by that time. In fact, it is our expectation that the monitoring requirements will be substantially reduced as soon as we start the implementation of the political decisions on the integration and rehabilitation process that will be reached in the special committee. We are not contemplating any interim or alternative monitoring arrangements before the termination of the United Nations monitoring presence, because that will only contribute to further delay in the integration process. But the Government of Nepal is committed to taking the necessary measures to help assist the exit strategy of UNMIN, bringing a logical end to the peace process, especially the current monitoring arrangement, within the next six months.

In this regard, we have no objection to the Secretary-General's proposals for further downsizing UNMIN and reducing the rank of head of Mission from special representative to representative.

On behalf of the Government and the people of Nepal, I would like to take this opportunity to place on record our sincere appreciation and gratitude to Mr. Ian Martin, Special Representative of the Secretary-General, for the excellent manner in which he has carried out the mandate of the Security Council in assistance to the peace process, upon Nepal's request. I would also like to thank his dedicated team at UNMIN for the work it has done for Nepal.

Despite the various challenges, some of which Mr. Martin just mentioned, Nepal's peace process has come a long way since its inception in 2006 and has completed several important milestones, such as the election of the Constituent Assembly and the declaration of Nepal as a federal democratic republic. As we have always done so far, we are confident that we will succeed in bringing the process to a logical conclusion, resolving all the remaining issues through dialogue and mutual accommodation. Though it has its own characteristics and pace, Nepal's peace process will succeed at the end, and the support of both Mr. Martin and the Council will not be in vain.

Before concluding, I would like to express my gratitude to each of the member States for its continued support for the peace process in Nepal.

Mr. Weisleder (Costa Rica) (*spoke in Spanish*): At the outset, on behalf of the delegation of Costa Rica and in my personal capacity, I would like to bid a warm farewell to Ambassador Khalilzad of the United States upon his imminent departure. Ambassador Ripert, the President of the Council, has emphasized central elements of Ambassador Khalilzad's personality and

work in the Council, and we would like to second those fitting impressions. We hope that these greetings will be conveyed to Ambassador Khalilzad.

We thank the Secretary-General for his report of 2 January 2009 (S/2009/1), which updates us on the situation of Nepal. We would also like to thank Mr. Ian Martin, Special Representative of the Secretary-General, for his briefing this morning and for his outstanding work in Nepal over all these years. We wish him every success in his future endeavours.

Likewise, we thank the Permanent Representative of the Government of Nepal for the information he provided to the Council this morning on recent events.

Nepal is a successful example of democratization and pacification of a society that experienced a bloody armed conflict for many years. That success belongs first and foremost to the Nepalese people, but the United Nations can also be satisfied over these achievements, given its contribution to the process. However, as with any process of social transformation, the changes in Nepal, and especially its pacification, remain incomplete, precarious and fragile following the initial parliamentary and constitutional elections, as we have pointed out in the past. We said then that the transition from monarchy to republic would accentuate differences and contradictions that may have been obscured until now by the civil war. Unfortunately, that has taken place to a significant degree.

We are concerned by several specific matters. First, we still have not seen the dismissal of minors and former Maoist guerrillas who are ineligible to join the army, a process that should take place as soon as possible, pursuant to the request made by the Secretary-General at his last meeting with the Government. We must emphasize the fact that the release of these minors must not depend on the formation of the special committee. For Costa Rica, the issue of child soldiers is of great concern in this and in all other cases.

This morning, we learned the excellent news that the special committee has finally been set up and has held its first meeting. We hope that these events will open the path to addressing other pending matters, such as the return of property, the deadline for which has expired, in accordance with agreements signed and sealed; the activities of paramilitary groups affiliated with young Maoists; the demobilization of combatants who were minors in May 2006; and the problem of new illegal seizures of land.

Costa Rica is also concerned by the issue of transitional justice, especially with respect to people who disappeared during the civil war. There can be no peace without justice. We note that the Special Representative highlighted that in particular as one of the important elements in his briefing this morning when he spoke about his concern about continued impunity. In addition, we regard as inexplicable the decision taken by the Nepal Cabinet on 27 October, according to the Secretary-General's report, to withdraw 349 cases filed at the district level either before a court or the District Administration Office, because it considered them to be of a political nature.

It is essential that the various Nepali political forces make a supreme effort to overcome their differences, which constitute obstacles, so that UNMIN can move forward and complete its important mission. The international community faces great and serious challenges, and the Council must set priorities with respect to where, when and how it intervenes. Therefore, we favour a further extension of UNMIN's mandate, as requested by the Secretary-General. At the same time, however, we hope that Nepal's political and social forces, in particular the Government, will clearly note that the international community would like this process to come to a swift conclusion.

In sum, Costa Rica appreciates the significant progress made by Nepal and congratulates its people and its various political and social forces for that. We also appreciate the significant efforts of the Government. We welcome the news that we received today concerning the progress that has enabled the special committee to be established and to begin its work.

At the same time, however, we wish to encourage all those sectors to comply more strictly with the basic commitments undertaken vis-à-vis both their society and the international community, by the agreed deadlines. I would like to stress that that applies in particular not only to the demobilization of former combatants, particularly minors, but also to the drafting of the new constitution, transitional justice and issues basic to economic and social development, both in terms of land ownership and property rights in general and in terms of strengthening the State so that it can provide essential services to the population.

Undoubtedly, those challenges can be better addressed when greater commitment and trust is developed among the political forces.

The President (*spoke in French*): There are no further speakers on my list. In accordance with the understanding reached in the Council's prior consultations, I now invite Council members to informal consultations to continue our discussion of the subject.

The meeting rose at 11.55 a.m.

United Nations S/PV.6070

Security Council

Distr.: General
21 January 2009

Original: English

Official communiqué of the 6070th (closed) meeting of the Security Council

Held in private at Headquarters, New York, on Wednesday, 21 January 2009, at 10 a.m.

In accordance with rule 55 of the provisional rules of procedure of the Security Council, the following communiqué was issued through the Secretary-General in place of a verbatim record:

"On 21 January 2009, the Security Council, pursuant to resolution 1353 (2001), annex II, sections A and B, held its 6070th meeting in private with the troop-contributing countries to the United Nations Operation in Côte d'Ivoire.

"The Security Council and the troop-contributing countries heard a briefing under rule 39 of its provisional rules of procedure by Mr. Choi Young-Jin, Special Representative of the Secretary-General and Head of the United Nations Operation in Côte d'Ivoire.

"Members of the Council, Mr. Choi and representatives of participating troop-contributing countries had an exchange of views."

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